

MONDAY, MARCH 13, 2000

SIXTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Speaker Pro Tempore Lois DeBerry.

The proceedings were opened with prayer by Reverend Curtis C. Jones, New Life Community Church, Franklin, Tennessee.

Representative Williams led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Hassell; personal reasons.

Speaker Naifeh; family death.

Representative Phelan; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2180: Rep(s). Baird as prime sponsor(s).

House Bill No. 2182: Rep(s). Walker as prime sponsor(s).

House Bill No. 2490: Rep(s). Towns as prime sponsor(s).

House Bill No. 2766: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 2978: Rep(s). Kent and Cole (Carter) as prime sponsor(s).

House Bill No. 3007: Rep(s). Godsey, Davis (Washington), Baird, Patton and Ford as prime sponsor(s).

House Bill No. 3032: Rep(s). Kent, Cole (Carter) and Todd as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

March 10, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2227, 2487, 2491, 2750, 2751, 2830, 3277, 3278, 3281 and 3284, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 13, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution No. 56, without his signature.

MICHELLE LONG, Counsel to the Governor.

ENROLLED BILLS

March 13, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2997.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 13, 2000

The Speaker signed the following: House Bill(s) No(s). 2997.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2997; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 673; adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 673 -- Memorials, Recognition - Japanese Exchange Students, Tsuru Friendship Community. by *Graves.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3084; passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Bill No. 3084 -- Agriculture, Dept. of - Authorizes commissioner to revoke license or permit or to deny renewal of license or permit due to nonpayment of civil penalty; payment of civil penalty does not obligate commissioner to issue license or permit; requires hearing pursuant to UAPA prior to action regarding license being taken Amends TCA Section 4-3-204. by *Clabough. (*HB3012 by *Walker (Rhea))

PERSONAL ORDERS

RECOGNITION IN THE WELL

Reps. Kent and Cole (Carter) were recognized in the well to introduce Dianne Hall, Tennessee State Legislative Nurse for remarks.

RULES SUSPENDED

Rep. Kent moved that the rules be suspended for the purpose of introducing House Resolution No. 150 out of order, which motion prevailed.

House Resolution No. 150 -- Memorials, Professional Achievement - Dianne Hall, Legislative Nurse. by *Kent, *Cole (Carter).

On motion, the rules were suspended for the immediate consideration of the resolution.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

On motion of Rep. Kent, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes..... 94
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 94.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 16, 2000:

House Resolution No. 149 -- Memorials, Sports - Cameron Crisp, TSSAA Division 1 Class AA "Mr. Basketball.", by *Walley.

House Resolution No. 151 -- Memorials, Public Service - Dr. Jean C.W. Smith, Grand Daughter Ruler of the Elks. by *Brown, *Pruitt.

House Resolution No. 152 -- Memorials, Public Service - Sara L. Lewis, Director, Shelby County Head Start, Inc. by *Cooper B, *Jones U (Shelby), *Towns, *Brooks, *Miller L, *Bowers, *Turner (Shelby), *Kernell.

House Joint Resolution No. 524 -- Memorials, Personal Achievement - Brooks Edward McDonald, Eagle Scout. by *Pleasant, *Hargett.

House Joint Resolution No. 525 -- Memorials, Sports - Houston Varsity Cheerleaders, UCA National High School Cheerleading Champions. by *Scroggs.

House Joint Resolution No. 526 -- Memorials, Sports - Houston High School Junior Varsity Cheerleading Squad, 2000 UCA National Champions. by *Scroggs.

House Joint Resolution No. 527 -- Memorials, Sports - Houston Junior High School UCA Cheerleading Champions. by *Scroggs.

House Joint Resolution No. 528 -- Memorials, Retirement - ICO Lieutenant Teresa Peterson. by *Hagood, *Bittle, *Dunn, *Buttry, *Boyer, *Armstrong, *Tindell.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3289 -- Parrottsville -- Local Bill Held on House Desk

House Bill No. 3293 -- Bells -- Local Bill Held on House Desk

House Bill No. 3294 -- Ridgeside -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 2749 -- Drugs - Transfers dronabinol from Schedule II controlled substance to a Schedule III controlled substance. Amends TCA Title 39, Chapter 17, Part 4. by *Rhinehart. (*SB2938 by *McNally)

***House Bill No. 2181** -- Mass Transit - Redefines "local government" to add non-profit corporation authorized to provide mass transportation services. Amends TCA Title 13, Chapter 10. by *Rhinehart, *Stulce. (SB2728 by *Haun)

***House Bill No. 3007** -- DUI/DWI Offenses - Revises length of time license is revoked for failure to take BAC; length of revocation to be based on prior convictions and prior accidents resulting in injury or death; revises other provisions regarding license revocation for failure to take BAC. Amends TCA Section 55-10-406. by *Newton, *Hargett. (SB3079 by *Haun, *Burks, *Crowe, *Carter, *Graves, *Kurita, *Kyle, *McNally, *Miller J, *Williams)

On motion, House Bill No. 3007 was made to conform with **Senate Bill No. 3079**; the Senate Bill was substituted for the House Bill.

House Bill No. 2797 -- Taxes, Agricultural and Open Spaces - Clarifies that new owners of land placed in the green belt provisions must apply by April 1 of the year following transfer of ownership to continue taxation of land under such provisions. Amends TCA Section 67-5-1006 and Section 67-5-1007. by *White. (*SB2630 by *Henry)

House Bill No. 2572 -- Fiduciaries - Adds decedent's issue to list of nonresident persons who may serve as personal representative of estate of decedent. Amends TCA Section 35-50-107. by *Briley. (*SB2502 by *Haynes)

***House Joint Resolution No. 438** -- Memorials, Government Officials - Urges United States Forest Service to nominate Mt. Pleasant, the home of John Sevier, to National Register of Historic Places. by *Davis (Washington), *Patton.

***House Bill No. 3021** -- Local Government, General - Allows local governmental entities to transfer fire protection assets purchased with federal or state grants to registered, non profit volunteer fire departments. Amends TCA Title 12, Chapter 3, Part 10. by *Cole (Carter). (SB3093 by *McNally, *Crowe, *Fowler)

On motion, House Bill No. 3021 was made to conform with **Senate Bill No. 3093**; the Senate Bill was substituted for the House Bill.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

***House Bill No. 3042** -- State Employees - Authorizes commissioners of finance and administration, personnel and general services and executive director of fiscal review committee to select designees to be seated in their place on employee suggestion award board. Amends TCA Title 4, Chapter 27. by *Ford S. (SB3114 by *Person, *Leatherwood)

***House Bill No. 3006** -- Driver Licenses - Revises circumstances under which restricted license may be issued following conviction based on driving and drug and alcohol use. Amends TCA Section 55-10-403 and Section 55-50-502. by *Westmoreland, *Hargett. (SB3078 by *Haun)

House Bill No. 2180 -- Veterans - Allows LEAs to issue diplomas to World War II veterans who dropped out of school due to military induction. Amends TCA Title 49, Chapter 2, Part 1. by *Rhinehart, *Montgomery, *Buttry, *Cooper B. (*SB2196 by *Burchett)

***House Bill No. 3043** -- State Employees - Requires minimum of three days to be deducted from state employee's personal accumulation of sick leave when employee elects to participate in sick leave bank. Amends TCA Title 8. by *Jones U (Shelby). (SB3115 by *Cooper)

On motion, House Bill No. 3043 was made to conform with **Senate Bill No. 3115**; the Senate Bill was substituted for the House Bill.

House Bill No. 2506 -- Guardianship - Allows statement that Tennessee and United States tax returns have been timely filed to replace former requirement that copy of such tax returns be submitted to the court; replaces "sworn statement" with "witnessed statement" language Amends TCA Title 34. by *Scroggs. (*SB2884 by *Person)

House Bill No. 2519 -- State Symbols - Designates Tennessee Walking Horse as official "state horse." Amends TCA Title 4, Chapter 1, Part 3. by *Phillips. (*SB2126 by *Womack, *Harper)

On motion, House Bill No. 2519 was made to conform with **Senate Bill No. 2126**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2629** -- Utilities, Utility Districts - Provides that commissioners serving on board of the Bedford County utility district may not hold any other federal, state, county or local elected office; provides that four of commissioners shall be elected from specified districts and one commissioner shall be elected from county at large. Amends TCA Section 7-82-307(t). by *Phillips. (SB2947 by *Womack)

On motion, House Bill No. 2629 was made to conform with **Senate Bill No. 2947**; the Senate Bill was substituted for the House Bill.

***House Bill No. 3033** -- Public Health and Health Care - Exempts sponsoring organization from paying \$50.00 registration fee required pursuant to Volunteer Health Care Services Act when such organization providing volunteer health care services in natural or man-made disasters; "sponsoring organization" means any organization that organizes or arranges for voluntary provision of health care services and that registers with department of health as sponsoring organization. Amends TCA Title 63, Chapter 6, Part 7. by *Ford S. (SB3105 by *Atchley)

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

House Bill No. 2723 -- Trusts - Authorizes reformation of certain intervivos and testamentary charitable remainder trusts created prior to and after 12/10/98, to comply with applicable federal tax regulations regarding qualifying payments to non-charitable beneficiaries. Amends TCA Title 35, Chapter 9. by *Boyer, *Scroggs. (*SB2873 by *Atchley, *Crutchfield)

On motion, House Bill No. 2723 was made to conform with **Senate Bill No. 2873**; the Senate Bill was substituted for the House Bill.

House Bill No. 3288 -- Gallatin - Subject to local approval, creates office of director of leisure services. Amends Chapter 67 of the Private Acts of 1953; as amended. by *Black, *McDonald. (SB3278 by *Graves)

House Bill No. 3291 -- Gordonsville - Subject to local approval, rewrites charter. Amends Chapter 280 of the Acts of 1909; as amended. by *Buck. (SB3281 by *Rochelle)

House Resolution No. 148 -- Memorials, Personal Achievement - Lindsey Rogers, Wrangler High School All Star Rodeo Team. by *Todd.

House Joint Resolution No. 513 -- Memorials, Professional Achievement - Susan D. Gratz, Teacher of the Year, Hamblen County. by *Ford S.

House Joint Resolution No. 514 -- Memorials, Professional Achievement - Dana Reed, Teacher of the Year, Grades 5-8. by *Ford S.

House Joint Resolution No. 515 -- Memorials, Professional Achievement - Barbara Mc Camey, Teacher of the Year, Hamblen County. by *Ford S.

House Joint Resolution No. 520 -- Memorials, Public Service - Melba Moore. by *Miller L.

House Joint Resolution No. 521 -- Memorials, Academic Achievement - Phi Theta Kappa All-Tennessee Academic Team 2000. by *Newton, *Bunch.

House Joint Resolution No. 523 -- Memorials, Recognition - Marnie Cotton and Young Scholars' Institute. by *Williams (Williamson).

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2797: by Rep. Bowers

House Bill No. 3042: by Rep. Hargrove

House Bill No. 3006: by Rep. Stulce

Under the rules, House Bill No. 2797, 3042 and 3006 was/were placed at the foot of the calendar for March 16, 2000.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Rep. Newton moved that all members voting aye on House Joint Resolution No. 521 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 91
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Sroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 91.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2213** -- Courts, Juvenile - Authorizes juvenile court to require completion of educational program, if available, for prevention and treatment of smoking or other tobacco use upon violation of tobacco purchase or possession by minor laws. Amends TCA Section 39-17-1505. by *Wood. (SB2390 by *Fowler)

Rep. Wood moved that House Bill No. 2213 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2213 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1505(c), is amended by inserting the following language between the second and third sentences thereof:

The juvenile court may, in its discretion, also order the completion of an educational program, if available, for the prevention and treatment of smoking or other tobacco use.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Agriculture Committee Amendment No. 1 was adopted.

Rep. Wood moved that **House Bill No. 2213**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

***House Bill No. 73** -- Taxes, Litigation - Exempts persons prosecuted for HOV lane violation from the payment of any litigation tax; includes statutory fees of officers within maximum fine amounts authorized for HOV lane violation. Amends TCA Titles 2, 3, 7, 8, 39, 48, 55, 65, and 67. by *Buck, *Odom, *Head, *Eckles. (SB617 by *Cooper)

BILL RE-REFERRED

Rep. Eckles moved to re-refer House Bill No. 73 to the House Finance, Ways and Means Committee, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2490** -- Criminal Procedure - Permits defendant convicted of first degree murder and sentenced to death to petition court of conviction for fingerprint or forensic DNA analysis on evidence not tested at time of trial because technology not available or results not admissible. Amends TCA Title 40, Chapter 26. by *Jackson, *Buck. (SB2964 by *Springer, *Cohen)

Rep. Jackson moved that House Bill No. 2490 be passed on third and final consideration.

Rep. Montgomery moved the previous question, which motion prevailed.

Rep. Jackson moved that **House Bill No. 2490** be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Ayes..... 93
Noes 1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

Representatives voting no were: Rhinehart -- 1.

A motion to reconsider was tabled.

House Bill No. 2504 -- Estates - Allows publication of accounting if addresses of heirs or distributees or other interested persons are unknown; clarifies procedure for computation of elective share if parties were married, divorced, and then remarried each other. Amends TCA Title 30 and Title 31. by *Scroggs. (*SB2882 by *Person)

Rep. Scroggs moved that **House Bill No. 2504** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

***House Bill No. 2182** -- Juvenile Offenders - Expands authority of juvenile court to compel parent or guardian of delinquent or unruly child to provide supervision to ensure that child complies with all conditions and requirements that court has ordered for child. Amends TCA Section 37-1-174. by *Scroggs. (SB2890 by *Person)

Rep. Scroggs requested that House Bill No. 2182 be moved to the heel of the Calendar.

***House Bill No. 2947** -- Hospitals and Health Care Facilities - Requires nursing facilities to post certain notices. Amends TCA Title 68, Chapter 11, Part 2. by *Ferguson. (SB3227 by *Person)

Rep. Ferguson moved that House Bill No. 2947 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2947 by deleting all language following the enacting clause and by substituting instead the following new language:

SECTION 1. The following language is added to Title 68, Chapter 11, Part 2 as a new appropriately number section:

Section _____. All nursing homes are required to post the following in the main public entrance to the facility:

(a) The name of the administrator of the facility, and the names, addresses, and telephone numbers of any entity or company under contract to manage the facility, the state survey and certification agency, the state licensure office, the state ombudsman for the region where the facility is located, the protection and advocacy network, and the state Medicaid fraud control unit; and

(b) A statement that the resident may file a complaint with the State survey and certification agency concerning resident abuse, neglect, and misappropriation of resident property in the facility, and noncompliance with the advance directives requirements.

(c) The information listed in sections (a) and (b) shall be posted on a sign no smaller than eleven inches (11") in width and seventeen inches (17") in height.

SECTION 2. This act shall take effect on July 1, 2000, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Arriola moved the previous question, which motion prevailed.

Rep. Ferguson moved that **House Bill No. 2947**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

***House Bill No. 3012** -- Agriculture, Dept. of - Authorizes commissioner to revoke license or permit or to deny renewal of license or permit due to nonpayment of civil penalty; payment of civil penalty does not obligate commissioner to issue license or permit; requires hearing pursuant to UAPA prior to action regarding license being taken. Amends TCA Section 4-3-204. by *Walker (Rhea). (SB3084 by *Clabough)

On motion, House Bill No. 3012 was made to conform with **Senate Bill No. 3084**; the Senate Bill was substituted for the House Bill.

Rep. Walker moved that Senate Bill No. 3084 be passed on third and final consideration.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Walker moved that **Senate Bill No. 3084**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 89.

Representatives present and not voting were: Brooks, Maddox, Pinion, Turner (Shelby), West -- 5.

A motion to reconsider was tabled.

House Bill No. 2461 -- Chiropractors - Revises Chiropractic Practice Act. Amends TCA Title 63, Chapter 4, Part 1. by "Odom. (*SB2708 by "Cooper, "Graves)

On motion, House Bill No. 2461 was made to conform with **Senate Bill No. 2708**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2708 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2708 By deleting in Section 4(a) the language "parts 1, 2, 3, 4, and physical therapy" and by substituting instead the language "as directed by the board".

Rep. Armstrong moved adoption of Amendment No. 1 to Amendment No. 2 as follows:

Amendment No. 1 to 2

AMEND Amendment No. 2 by deleting from the amendment (HA 892) the language "physical therapy" and by substituting instead the language "physiotherapy".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Rep. Armstrong moved that Amendment No. 2 as amended, be adopted which motion prevailed.

Rep. Odom moved that **Senate Bill No. 2708**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

***House Bill No. 3032** -- Hospitals and Health Care Facilities - Requires inspection of health care facility within 15 months of licensure instead of once each year; specifies that federally accredited facilities will be presumed to satisfy all applicable licensing requirements. Amends TCA 68-11-210. by *Walley. (SB3104 by *Atchley)

Rep. Walley moved that House Bill No. 3032 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3032 In Section 1 by deleting the word "licensure" and by substituting instead the words "last inspection".

AND FURTHER AMEND in the second sentence of the amendatory language of Section 2 by deleting the language "shall be exempt" and by substituting instead the language "may be exempt".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Walley moved that **House Bill No. 3032** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood -- 92.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

House Bill No. 2983 -- Insurance, Motor Vehicles - Extends to vehicle lender under casualty insurance policy on vehicles same insured party protection as afforded to mortgagee, trustee or assignee under fire insurance policy on mortgage; protection applies even if loss is result of intentional act of primary insured. Amends TCA Title 56. by *Phelan, *Wood, *Hood, *Towns, *Rhinehart. (*SB2554 by *Cooper)

Without objection, House Bill No. 2983 was reset for the Regular Calendar on March 16, 2000, which motion was immediately reconsidered and withdrawn.

Rep. Rhinehart moved that House Bill No. 2983 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2983 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 11, is amended by adding the following language as a new, appropriately designated section:

Section 56-7-11____. When any person shall, as lienholder, secured party, assignee, or otherwise, possess or have any vehicle insurance policy made payable to such person, or other person as that person's interest may appear, then such insurance as to the interest of the lienholder, secured party, assignee or other person therein named shall not be invalidated by an act or neglect of the owner of the vehicle so insured, nor by any foreclosure or other proceedings or notice of sale relating to the vehicle, nor by change in title or ownership of the vehicle; provided, that in case the owner neglects to pay any premium due under such policy, the lienholder, secured party, assignee, or other person shall on demand, pay same; and provided further, that the lienholder, secured party, assignee, or other such person shall notify the insurance company of any change of ownership or increase of hazard which shall come to the knowledge of the lienholder, secured party, assignee, or other such person, and, unless permitted by the policy, it shall be noted thereon, and the lienholder, secured party, assignee, or other person shall, on demand, pay the premium for such increased hazard for the term of the use thereof, or otherwise the policy shall be null and void; and provided further, that in the event the insurer concludes to cancel its policy under its terms, then ten (10) days' notice of such determination shall be given to the lienholder, secured party, assignee, or other person so interested.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Rep. Rhinehart moved that **House Bill No. 2983**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 94.

A motion to reconsider was tabled.

House Bill No. 2645 -- Domestic Violence - Provides that if domestic violence defendant discharged from conditions of release imposed by court, court required to notify law enforcement agencies that defendant no longer subject to such conditions and requires administrative office of courts to prepare such notification form. Amends TCA Title 40, Chapter 11. by *McMillan, *Odom. (*SB2179 by *Burks, *Person)

Rep. McMillan moved that **House Bill No. 2645** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

House Bill No. 2650 -- Highways, Roads and Bridges - Broadens offense of driving on revoked, cancelled or suspended license to apply to driving "within the entire width between the boundary lines of every way publicly maintained which is open to the use of the public for purposes of vehicular travel, or the premises of any shopping center, trailer park or apartment house complex or any other premises frequented by the public at large" instead of applying to driving "on any public highway." Amends TCA Title 55, Chapter 50, Part 5. by *McMillan. (*SB2290 by *McNally, *Crowe, *Graves)

Rep. McMillan moved that House Bill No. 2650 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2650 By deleting the language "trailer park" and by substituting instead the language "manufactured housing complex" wherever such language appears in the printed bill.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 2650**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

House Bill No. 2766 -- Dentists - Authorizes dental hygienists to administer nitrous oxide in accordance with rules and regulations and under the direct supervision of dentist. Amends TCA Section 63-5-108. by *Todd. (*SB2639 by *Burchett)

Rep. Todd moved that House Bill No. 2766 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2766 by deleting the directory language of Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-5-108, is amended by adding the following as a new subsection (d) and by renumbering the existing subsections accordingly:

AND FURTHER AMEND Section 1 by deleting, in the amendatory language, the number "(6)" and by substituting instead the letter "(d)".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Todd moved that **House Bill No. 2766**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wingham, Wood -- 95.

A motion to reconsider was tabled.

***House Bill No. 2012** -- Transportation, Dept. of - Allows former property owner, as well as adjoining property owners, to have right to purchase property designated as surplus by department. Amends TCA Section 12-2-112. by *Whitson. (SB2060 by *Haun)

Rep. Whitson moved that **House Bill No. 2012** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 93.

A motion to reconsider was tabled.

House Bill No. 2978 -- Capital Punishment - Requires person who committed offense prior to 1/1/99, for which such person was sentenced to punishment of death, to be put to death by lethal injection instead of electrocution as directed by court. Amends TCA Title 40, Chapter 23. by *Jackson, *Newton. (*SB2866 by *Springer)

Rep. Jackson moved that House Bill No. 2978 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2978 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-23-114(a), is amended by deleting the language "the court shall direct that the person be put to death by electrocution, and that the body be subjected to shock by a sufficient current of electricity until dead." and substituting instead the language "the method for carrying out this sentence shall be by lethal injection."

SECTION 2. Tennessee Code Annotated, Section 40-23-114(b), is amended by deleting the language "the court shall direct that the person be put to death" and substituting instead the language "the method for carrying out this sentence shall be".

SECTION 3. Tennessee Code Annotated, Section 40-23-114(d), is amended by deleting the language "of subsections (b) and (c)," and by substituting instead the language "of this section."

SECTION 4. Tennessee Code Annotated, Section 40-23-114(c), is amended by deleting the language "lethal injection" and substituting instead the language "electrocution", and by deleting the language "the method of execution in effect at the time the offense was committed." and substituting instead the language "lethal injection."

SECTION 5. Tennessee Code Annotated, Section 40-23-114(e), is amended by deleting the language of the subsection and substituting instead the language: "If lethal injection or electrocution is held to be unconstitutional by the Tennessee Supreme Court under the state constitution, or held to be unconstitutional by the United States Supreme Court under the United States constitution, or if the United States Supreme Court declines to review any judgment holding lethal injection or electrocution to be unconstitutional under the United States Constitution made by the Tennessee Supreme Court or the United States Court of Appeals that has jurisdiction over Tennessee, or if the Tennessee Supreme Court declines to review any judgment by the Tennessee Court of Criminal Appeals holding lethal injection or electrocution to be unconstitutional under the United States or Tennessee Constitutions, all persons sentenced to death for a capital crime shall be executed by any constitutional method of execution. No sentence of death shall be reduced as a result of a determination that a method of execution is declared unconstitutional under the state constitution or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution."

SECTION 6. Any provision of this act, or the application thereof, which is inconsistent with federal law, rule or regulation shall be deemed to be construed as being consistent with federal law, rule or regulation.

SECTION 7. If any provision of this act, or the application thereof, to any person, entity, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Hargett moved the previous question, which motion prevailed.

Rep. Jackson moved that **House Bill No. 2978**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	84
Noes	6
Present and not voting	3

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 84.

Representatives voting no were: Bowers, Brooks, Brown, Cooper, Miller, Turner (Shelby) -- 6.

Representatives present and not voting were: Armstrong, Jones U., Kernell -- 3.

A motion to reconsider was tabled.

House Resolution No. 144 -- Memorials, Public Service - Dianne Hall, General Assembly Legislative Nurse. by *Kent, *Cole (Carter).

Further consideration of House Joint Resolution No. 144 previously considered on March 9, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

RESOLUTION WITHDRAWN

Rep. Kent moved that **House Resolution No. 144** be withdrawn from the House, which motion prevailed.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2182** -- Juvenile Offenders - Expands authority of juvenile court to compel parent or guardian of delinquent or unruly child to provide supervision to ensure that child complies with all conditions and requirements that court has ordered for child. Amends TCA Section 37-1-174, by *Scroggs. (SB2890 by *Person)

Further consideration of House Bill No. 2182 previously considered on today's Calendar.

Rep. Scroggs moved that House Bill No. 2182 be reset for the Regular Calendar on March 16, 2000, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McDonald moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 673 out of order, which motion prevailed.

Senate Joint Resolution No. 673 -- Memorials, Recognition - Japanese Exchange Students, Tsuru Friendship Community. by *Graves.

On motion of Rep. McDonald, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Buck, **House Bill No. 2904** was withdrawn from the House.

On motion of Rep. McAfee, **House Bill No. 460** was recalled from the Health and Human Resources Committee and withdrawn from the House.

On motion of Rep. Ford, **House Bill No. 612** was recalled from the Judiciary Committee and withdrawn from the House.

MOTION TO ADOPT HOUSE SCHEDULE

Rep. Hargrove moved that the House adopt the Revised House Weekly Schedule, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 489: Rep(s). Kerr and McKee as prime sponsor(s).

House Bill No. 2045: Rep(s). Buck as prime sponsor(s).

House Bill No. 2318: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2611: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 2737: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2738: Rep(s). Cooper as prime sponsor(s).

House Bill No. 2885: Rep(s). McMillan as prime sponsor(s).

MONDAY, MARCH 13, 2000 – SIXTY-SECOND LEGISLATIVE DAY

House Bill No. 3036: Rep(s). Hargett as prime sponsor(s).

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1637; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2403; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 398 and 511; concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2898; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2615; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2679; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENGROSSED BILLS

March 13, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2012, 2180, 2181, 2213, 2490, 2504, 2506, 2572, 2645, 2650, 2749, 2766, 2947, 2978, 2983, 3032, 3033, 3288, 3291, also, House Joint Resolution(s) No(s) 438, 513, 514, 515, 520, 521 and 523.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 13, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2262, 2435, 2612, 2940, 2948, 3216 and 3250; all passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 2262** -- Correctional Programs - Creates volunteer resource board to serve department of correction and board of probation and parole to coordinate efforts of volunteers assisting inmates' reintegration into society. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by *Springer. (HB2440 by *Kernell, *Garrett, *Brooks)

Senate Bill No. 2435 -- Education, Dept. of - Provides for standardized system of reporting local education financial information to commissioner of education. Amends TCA Section 49-3-316. by *Womack. (*HB2317 by *Kisber, *Davidson, *Head)

***Senate Bill No. 2612** -- Medical Occupations - Adds two members to emergency medical services board; authorizes board to set amount of civil penalties for violations. Amends TCA Title 68, Chapter 140, Part 5. by *Springer. (HB3148 by *Jones U (Shelby))

Senate Bill No. 2940 -- Motor Vehicles, Titling and Registration - Reauthorizes issuance of new specialty earmarked license plates for Tennessee Councils of Boy Scouts of America Amends TCA Title 55, Chapter 4. by *Clabough, *Atchley. (*HB2627 by *McCord)

***Senate Bill No. 2948** -- Tennessee Student Assistance Corporation - Provides that loan reserves of Tennessee student assistance corporation must be maintained at minimum levels required by federal law. Amends TCA Title 49, Chapter 4. by *Womack. (HB2774 by *Davidson)

Senate Bill No. 3216 -- Motor Vehicles, Titling and Registration - Prohibits reissuance of cultural, specialty earmarked, or new specialty earmarked license plate, that has failed to meet minimum issuance or renewal requirements and has been deemed obsolete and invalid, for period of three years. Amends TCA Title 55, Chapter 4. by *Cohen. (*HB3105 by *White)

Senate Bill No. 3250 -- Local Education Agency - Clarifies that failure to meet statutory class size limits will result in reduction or loss of school funding or probation for non-complying LEA. Amends TCA Section 49-1-104; Title 49, Chapter 1, Part 6 and Section 49-3-353. by *Womack, *Dixon, *Graves, *Springer, *Burks, *Carter, *Wilder, *Atchley, *Elsea, *Crowe. (*HB3139 by *Davidson)

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 95.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, March 16, 2000.